



Jeffrey B. Bove  
Partner

TEL (302) 888-6241  
FAX: (302) 656-9072  
EMAIL [jbove@cblh.com](mailto:jbove@cblh.com)  
REPLY TO Wilmington Office

The Nemours Building  
1007 North Orange Street  
P.O. Box 2207  
Wilmington DE 19899  
TEL (302) 658 9141  
FAX (302) 658 5614

1990 M Street, NW, Suite 800  
Washington DC 20036  
TEL (202) 331 7111  
FAX (202) 293 6229

September 5, 2006

Wells Fargo Center  
South Tower, Suite 3150  
355 South Grand Avenue  
Los Angeles CA 90071  
TEL (213) 787 2500  
FAX (213) 687 0498

WEB [www.cblh.com](http://www.cblh.com)

**BY E-FILE**

The Honorable Gregory M. Sleet  
U.S. District Court for the District of Delaware  
U.S. Courthouse  
844 N. King Street  
Lockbox 19  
Wilmington, DE 19801

Re: *Talecris Biotherapeutics, Inc., et al. v. Baxter Int'l Inc., et al.*,  
D. Del., C.A. No. 05-349-GMS

Dear Judge Sleet:

On September 2, 2006, pursuant to Section 5(a) of the Scheduling Order in the above-referenced action, counsel for Plaintiffs requested a discovery teleconference with the Court. In anticipation of that teleconference, scheduled for September 7, 2006 at 9:30 a.m. (EDT), the parties jointly submit the following items that they wish to present to the Court:

**Plaintiffs' Issues:**

- Improper assertion of privilege related to experiments correlating anticomplement activity to solvent/detergent treatment, including submissions to the European Patent Office and certain defenses in this litigation.
- Issues relating to the plant inspection.
- Deficiencies in Defendants' document production discovered during recent depositions, including in particular the following categories: financial and marketing, regulatory, and documents from Baxter's senior management.

The Honorable Gregory M. Sleet  
September 5, 2006  
Page 2

**Defendants' Issues:**

- Plaintiff's/Counterdefendants' deficient document production, including more specifically: all license agreements relevant to Plaintiff's claim for reasonable royalties; all critical technical documents, including data supporting the results shown in Tables 6 and 7 of the patent-in-suit, certain laboratory notebooks, and meeting minutes; all experimental data and notebooks supporting Alonso's 2000 Biologicals publication; all critical technical documents (such as the CMC section of a BLA/PLA, process flows, product specifications, etc.) for other immunoglobulin products sold by Plaintiffs using both a solvent/detergent step and an incubation step; all responsive marketing and financial documents.

Respectfully submitted,

*/s/ Jeffrey B. Bove*

JBB/JMM

Jeffrey B. Bove (#998)

cc: Philip A. Rovner, Esquire (via e-mail)  
Bradford J. Badke, Esquire (via e-mail)